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10/823,847

Filing Date

April 14, 2004

First Named Inventor

Yue-Chung Chen

Art Unit

2834

Examiner Name

Nguyen, Hahn N

Attorney Docket Number

CHEN-74813

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULWIDER PATTON LLP		
Signature			
Printed name	JAMES JUO		
Date	APRIL 13, 2007	Reg. No.	36,177

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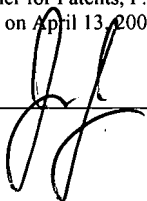
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James Juo

 4/13/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/823,847
Entitled: : MIKE 8001 INDUCTION MOTOR DESIGN
Applicant : Yue-Chung Chen
Filed : April 14, 2004
Art Unit : 2834
Examiner : Nguyen, Hahn N

Docket No.: : CHEN-74813
Customer No. : 24201

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is responsive to the Office action of March 13, 2007, the response for which is due April 13, 2007. The Office action required a restriction of the application to claims 3-7 (Group I), claims 8-13 (Group II), or claims 14-19 (Group III).

Applicant hereby elects, with traverse, Group I, claims 3-7.

Applicant requests reconsideration and withdrawal of the restriction requirement. Restriction is proper only where the Examiner can show by separate classification and field of search that there would be a "serious burden" on the Examiner if restriction is not required. *See* MPEP 808.02. To establish the existence of a "serious burden," the Examiner has alleged that the inventions would require a different field of search, but has not addressed the critical inquiry necessary to establish a serious burden, namely, whether it would be necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention. *See* MPEP 808.02.

Here, the Examiner has alleged that the Group I claims are classified in class 310, subclass 89; and that the Group II claims are classified in class 310, subclass 166. However, both groups of claims would require the same field of search.

Applicant notes as an initial matter that claim 3 (Group I) and claim 8 (Group II) both recite a "shell." And method claim 14 (Group III) recites the step of "forming a shell." Thus, the same field of search would be required for these groups of claims.

Moreover, the Manual of Patent Classification defining class 310 states that this is a "residual class for all subject matter, not elsewhere classified, relating to electrical generator or motor structure." In particular, the Manual of Patent Classification states (with emphasis added) that:

... in making a thorough search in this [310] class, it is advisable to investigate every subclass which may possibly be pertinent and not, in order to shorten the search, to rely upon the principle of superiority of subject matter because of position in the schedule, since that principle is applicable only in classes where each patent has been analyzed and placed in the schedule in accordance with that portion of the disclosed subject matter which is claimed.

Thus, the field of search for Group I will likely also include the field of search for or Group II, and vice versa. The Manual of Patent Classification further notes (with emphasis added) that:

(2) Note. Since Class 310 takes, under the class definition, only subject matter relating to electrical generator or motor structure not elsewhere classified, its scope can be determined only by determining the scope of other related classes, which classes are listed below under search class. Also consult the search notes in the definitions of these classes.

(3) Note. Many mechanical classes contain electrical disclosures, as where an electrical machine is disclosed in a mechanical environment, with which it cooperates. Consequently, in appropriate instances, the search must extend to the class or classes which relate to the environment in which the electrical disclosure may be found.

By the nature of Class 310 being a "residual" classification, where "it is advisable to investigate every subclass which may possibly be pertinent," and the fact that all of the claims recite a "shell," the same field of search would be required for these groups of claims.

Thus, the Examiner has failed to establish that it would a serious burden to examine all three groups of claims. See MPEP 808.02. Applicant respectfully requests that the restriction requirement be withdraw, and that claims 8-13 (Group II) and claims 14-19 (Group III) be examined along with the elected claims 3-7 (Group I).



CONCLUSION

Applicant respectfully requests favorable reconsideration and allowance of the claims at an early date. If the Examiner has any comments or questions regarding any of the foregoing, kindly telephone the undersigned.

Respectfully submitted,

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